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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,647	02/18/2004	Robert Duncan	049051-0203	8924
31824	7590	06/14/2006	EXAMINER	
MCDERMOTT WILL & EMERY LLP 18191 VON KARMAN AVE. SUITE 500 IRVINE, CA 92612-7108			STOYNOV, STEFAN	
		ART UNIT	PAPER NUMBER	
			2116	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/779,647	DUNCAN, ROBERT
	Examiner	Art Unit
	Stefan Stoynov	2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
 - 4a) Of the above claim(s) 13-29 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 03/15/2004.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Election/Restrictions

Applicant's election without traverse of claims 1-12 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, and 4-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamper, U.S. Patent No. 6,654,797. Kamper shows all the claimed subject matter of a data processing system and computing device in figures 1-4.

Regarding claim 1, Kamper discloses a data processing system comprising:

a computing device having a memory 209 and an expansion port 234 (column 4, lines 34-35, lines 54-57, column 5, lines 36-39); and

an electronic memory device including an image stored therein and configured to be coupled to the expansion port (smart card 320 storing configuration data/profile – column 2, lines 3-11, column 5, lines 33-35, lines 41-43, lines 47-49, lines 65-67), the image including data stored therein that is loadable into the memory 209 to configure the computing device (column 6, lines 6-14, lines 20-24, lines 34-37, lines 42-46, column 6, line 65 – column 7, line 6).

Regarding claim 2, Kamper further discloses the system, wherein the computing device further includes:

a connection network configured to provide a communication path (busses 206 and 212 provide the communication network path – column 4, lines 40-42);

a processor 202 coupled to the connection network (202 to 206) and configured to execute program code (column 4, lines 30-32, column 6, lines 12-14, lines 20-24, column 6, lines 65-67); and

an input/output controller coupled 210 to the connection network (206 and 212) and to the expansion port 234 (column 4, lines 36-39, lines 54-57), the input/output controller configured to receive image data from the electronic memory device and to load the image data into the memory under the control of the processor.

[Kamper does not specifically state the input/output controller configured to receive image data from the electronic memory device and to load the image data into the memory under the control of the processor. However, Kamper discloses the I/O bridge 210 (i.e. the input/output controller) interfacing between the serial port 234 receiving the smart card reader 310 with the smart cart inserted therein 320 (column 4, lines 36-39, lines 54-57, column 5, lines 36-39, lines 47-49). In addition, Kemper discloses upon power-up, the server initiating (i.e. under the control of the processor 202 within the server) a boot-up sequence, during which a predetermined location in the local memory 209 is checked for presence of configuration profile (i.e. image) stored therein (column 6, lines 12-14, lines 20-24, line 65 – column 7, line 4). If the profile is not present in local memory 209, the server (i.e. under the control of the processor 202

within the server) retrieves the configuration profile (i.e. image) from the smart card (column 6, lines 34-37) and stores the new configuration in local memory 209 upon which the server configuration is complete (column 6, lines 42-46, column 7, lines 4-6). Thus, the server processor 202 retrieves the image from the smart card 320 utilizing the connection network (206 and 212) and the I/O bridge 210 (I/O controller) and stores the image in the local memory 209, and thus Kamper inherently discloses the input/output controller configured to receive image data from the electronic memory device and to load the image data into the memory under the control of the processor].

Regarding claim 4, Kamper further discloses the system, wherein the electronic memory comprises one of a flash memory mass storage device, a compact flash storage device, a universal serial bus flash drive, and IEEE 1394 flash drive, and a removable mass storage device (column 3, lines 60-63).

Regarding claim 5, Kamper further discloses the system, wherein the computing device comprises one of a thin client, a workstation, a personal digital assistant, and electronic mail appliance, and a server (column 1, lines 11-17, column 2, lines 64-66, FIG. 1, column 5, lines 5-7).

Regarding claim 6, Kamper further discloses the system, wherein the computing device is configured to communicate with a network (column 2, lines 52-66, FIG. 1).

Regarding claim 7, Kamper discloses a computing device comprising:
a connection network configured to provide a communication path (busses 206 and 212 provide the network communication path network – column 4, lines 40-42);

a memory 209 coupled to the connection network (via 208) and configured to store program code (column 4, lines 34-35);

a processor 202 coupled to the connection network and configured to execute the stored program code (column 4, lines 30-32, column 6, lines 12-14, lines 20-24, column 6, lines 65-67);

an expansion port 234 configured to receive a storage device coupled thereto (310 and 320) (column 4, lines 54-57, column 5, lines 36-39, lines 47-49);

an input/output controller configured to receive image data from the storage device and to load the image data into the memory for execution by the processor.

[Kamper does not specifically state an input/output controller configured to receive image data from the storage device and to load the image data into the memory for execution by the processor. However, Kamper discloses the I/O bridge 210 (i.e. the input/output controller) interfacing between the serial port 234 receiving the smart card reader 310 with the smart cart 320 inserted therein (column 4, lines 36-39, lines 54-57, column 5, lines 36-39, lines 47-49). In addition, Kemper discloses upon power-up, the server initiating (i.e. under the control of the processor 202 within the server) a boot-up sequence, during which a predetermined location in the local memory 209 is checked for presence of configuration profile (i.e. image) stored therein (column 6, lines 12-14, lines 20-24, line 65 – column 7, line 4). If the profile is not present in local memory 209, the server (i.e. under the control of the processor 202 within the server) retrieves the configuration profile (i.e. image) from the smart card 320 (column 6, lines 34-37) and stores the new configuration in local memory 209 upon which the server configuration is

complete (column 6, lines 42-46, column 7, lines 4-6). Thus, the server processor 202 retrieves the image from the smart card 320 utilizing the connection network (206 and 212) and the I/O bridge 210 (I/O controller) and stores the image in the local memory 209, further to be used by the processor to complete the server configuration, and thus Kamper inherently discloses an input/output controller configured to receive image data from the storage device and to load the image data into the memory for execution by the processor].

Regarding claim 8, Kamper further discloses the device, further comprising:
a boot code module coupled to the connection network and configured to determine whether to boot the computing device from the storage device (column 6, lines 6-14, lines 20-26, lines 34-37).

Regarding claim 9, Kamper further discloses the device, further comprising:
a boot code module coupled to the connection network and configured to acquire the image data from the storage device (column 6, lines 6-14, lines 20-24, lines 34-37, lines 42-46, line 65 – column 7, line 6).

Regarding claim 10, Kamper further discloses the device, further comprising:
an application module coupled to the connection network and configured to store application program code; and
a configuration module coupled to the connection network and configured to adjust parameters for the application module.

[Computer network communications based on the IP protocol require an application module for providing that functionality, which application module is

configured (gets its configuration parameters by the boot-up sequence) from the smart card 320 via the connection network (column 4, lines 6-19). Thus, Kamper inherently discloses the above-listed claim limitations].

Regarding claim 11, Kamper further discloses the device, further comprising:

an update module coupled to the connection network and configured to update at least a portion of the stored program code from the image data of the storage device (column 6, lines 6-12, lines 20-24, lines 34-37, lines 42-46, line 65 – column 7, line 6).

Regarding claim 12, Kamper further discloses the device, wherein the storage device comprises one of a flash memory mass storage device, a compact flash storage device, a universal serial bus flash drive, an IEEE 1394 flash drive, and a removable mass storage device (column 3, lines 60-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper, U.S. patent No. 6,654,797.

Regarding claim 3, Kamper discloses the system as per claim 1. In addition, Kamper discloses the computing device further includes a memory 209 for storing the image data received from the electronic memory device (column 6, lines 6-14, lines 20-24, lines 34-37, lines 42-46).

Kamper does not specifically state the memory being a flash memory. The examiner takes an Official Notice that storing configuration data (image data) into flash memory is well known in the art. Flash memories facilitate program code renewal and operate at fast operating speed. Accordingly, it would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to use flash memory for the memory disclosed by Kamper. One of ordinary skill in the art would be motivated to do so in order to achieve program code renewal and provide fast operating speed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Stoynov whose telephone number is (571) 272-4236. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS



JOHN R. COTTINGHAM
PRIMARY EXAMINER